

104TH CONGRESS
1ST SESSION

S. 305

To establish the Shenandoah Valley National Battlefields and Commission
in the Commonwealth of Virginia, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 31 (legislative day, JANUARY 30), 1995

Mr. WARNER (for himself and Mr. ROBB) introduced the following bill; which
was read twice and referred to the Committee on Energy and Natural
Resources

A BILL

To establish the Shenandoah Valley National Battlefields
and Commission in the Commonwealth of Virginia, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Shenandoah Valley
5 National Battlefields Partnership Act of 1995”.

6 **SEC. 2. CONGRESSIONAL FINDINGS.**

7 The Congress finds that—

1 (1) there are situated in the Shenandoah Valley
2 in the Commonwealth of Virginia the sites of several
3 key Civil War battles;

4 (2) certain sites, battlefields, structures, and
5 districts in the Shenandoah Valley are collectively of
6 national significance in the history of the Civil War;

7 (3) in 1990, the Congress enacted legislation di-
8 recting the Secretary of the Interior to prepare a
9 comprehensive study of significant sites and struc-
10 tures associated with Civil War battles in the Shen-
11 andoah Valley;

12 (4) the study, which was completed in 1992,
13 found that many of the sites within the Shenandoah
14 Valley possess national significance and retain a
15 high degree of historical integrity;

16 (5) the preservation and interpretation of these
17 sites will make a vital contribution to the under-
18 standing of the heritage of the United States;

19 (6) the preservation of Civil War sites within a
20 regional framework requires cooperation among local
21 property owners and Federal, State, and local gov-
22 ernment entities; and

23 (7) partnerships between Federal, State, and
24 local governments, the regional entities of such gov-
25 ernments, and the private sector offer the most ef-

1 fective opportunities for the enhancement and man-
2 agement of the Civil War battlefields and related
3 sites in the Shenandoah Valley.

4 **SEC. 3. STATEMENT OF PURPOSE.**

5 The purposes of this Act are to—

6 (1) preserve, conserve, and interpret the legacy
7 of the Civil War in the Shenandoah Valley;

8 (2) recognize and interpret important events
9 and geographic locations representing key Civil War
10 battles in the Shenandoah Valley, including those
11 battlefields associated with the Thomas J. (Stone-
12 wall) Jackson campaign of 1862 and the decisive
13 campaigns of 1864;

14 (3) recognize and interpret the effect of the
15 Civil War on the civilian population of the Shen-
16 andoah Valley during the war and postwar recon-
17 struction period; and

18 (4) create partnerships among Federal, State,
19 and local governments, the regional entities of such
20 governments, and the private sector to preserve, con-
21 serve, enhance, and interpret the nationally signifi-
22 cant battlefields and related sites associated with the
23 Civil War in the Shenandoah Valley.

24 **SEC. 4. DEFINITIONS.**

25 As used in this Act:

1 (1) The term “battlefields” means the Shen-
2 andoah Valley National Battlefields established by
3 section 5.

4 (2) The term “Commission” means the Shen-
5 andoah Valley National Battlefields Commission es-
6 tablished by section 9.

7 (3) The term “historic core” means the area
8 that surrounds each unit of the battlefields, is de-
9 picted on the map referred to in section 5(a), encom-
10 passes important components of a conflict, and pro-
11 vides a strategic context and geographic setting for
12 understanding the conflict.

13 (4) The term “plan” means the Shenandoah
14 Valley National Battlefields plan approved by the
15 Secretary under section 6.

16 (5) The term “Secretary” means the Secretary
17 of the Interior.

18 (6) The term “Shenandoah Valley” means the
19 Shenandoah Valley in the Commonwealth of Vir-
20 ginia.

21 **SEC. 5. SHENANDOAH VALLEY NATIONAL BATTLEFIELDS.**

22 (a) ESTABLISHMENT.—(1) To carry out the purposes
23 of this Act, there is hereby established the Shenandoah
24 Valley National Battlefields in the Commonwealth of Vir-
25 ginia. The battlefields shall consist of approximately 1,863

1 acres of lands and interests therein as generally depicted
2 on the map entitled “Shenandoah Valley National Battle-
3 fields”, numbered SHVA/80,000, and dated April 1994,
4 comprising units at Cedar Creek, Cross Keys, Fisher’s
5 Hill, McDowell, New Market, Opequan, Port Republic,
6 Second Kernstown, Second Winchester, and Tom’s Brook.

7 (2) The map referred to in paragraph (1) shall be
8 on file and available for public inspection in the offices
9 of the Commission and in the appropriate offices of the
10 National Park Service.

11 (3) The Secretary may, with the advice of the Com-
12 mission and following an opportunity for public comment,
13 make minor revisions to the boundaries of the battlefields.

14 (b) ADMINISTRATION.—The Secretary shall admin-
15 ister the battlefields in accordance with this Act and with
16 provisions of law generally applicable to the National Park
17 System, including the Act of August 25, 1916 (39 Stat.
18 535; 16 U.S.C. 1, 2, 3, 4) and the Act of August 21, 1935
19 (49 Stat. 666; 16 U.S.C. 461–467). The Secretary shall
20 protect, manage, and administer the battlefields for the
21 purposes of preserving and interpreting their national, cul-
22 tural, and historic resources and of providing for public
23 understanding and appreciation of the battlefields, in such
24 a manner as to perpetuate these qualities and values for
25 future generations.

1 (c) LAND ACQUISITION.—(1) Except as otherwise
2 provided in this subsection, the Secretary is authorized to
3 acquire lands and interests therein within the boundaries
4 of the battlefields by donation, purchase with donated or
5 appropriated funds, or exchange, except that no lands or
6 interests therein may be acquired under this Act except
7 with the consent of the owner thereof.

8 (2) Lands or interests therein that are located within
9 the battlefields or a historic core area and are owned by
10 the Commonwealth of Virginia, or a political subdivision
11 thereof, may be acquired by the Secretary under this Act
12 only by donation or exchange.

13 (3) The Secretary may not accept, under this Act,
14 donations of lands or interests therein acquired through
15 condemnation.

16 (d) LIVING HISTORY DEMONSTRATIONS AND BAT-
17 TLEFIELD ENACTMENTS.—The Secretary shall allow, at
18 any location in the battlefields, any living history dem-
19 onstration or battlefield reenactment that is the same as
20 or substantially similar to a demonstration or reenactment
21 that occurred at such location at any time during the 12-
22 month period ending on the date of the enactment of this
23 Act. The Secretary may allow, at any location in the bat-
24 tlefields, any living history demonstration or battlefield re-

1 enactment that is not described in the preceding sentence
2 but that the Secretary determines to be appropriate.

3 **SEC. 6. SHENANDOAH VALLEY NATIONAL BATTLEFIELDS**
4 **PLAN.**

5 (a) IN GENERAL.—The battlefields shall be managed
6 by the Secretary pursuant to this Act and the Shenandoah
7 Valley National Battlefields plan developed by the Com-
8 mission and approved by the Secretary, as provided in this
9 section.

10 (b) SPECIFIC PROVISIONS.—The plan shall include—

11 (1) recommendations of potential boundary
12 modifications to the battlefields, including modifica-
13 tions to the boundaries of the historic core of each
14 unit, and the potential addition of new units to the
15 battlefields;

16 (2) provisions for the management, protection,
17 and interpretation of the natural, cultural, and his-
18 torical resources of the battlefields, consistent with
19 the purposes of this Act;

20 (3) recommendations to the Commonwealth of
21 Virginia (and political subdivisions thereof) for the
22 management, protection, and interpretation of the
23 natural, cultural, and historical resources of the his-
24 toric core areas;

1 (4) the information described in section 12(b)
2 of Public Law 91-383 (16 U.S.C. 1a-7(b)) (pertain-
3 ing to the preparation of general management
4 plans);

5 (5) identification of appropriate partnerships
6 between the Secretary, Federal, State, and local gov-
7 ernments and regional entities, and the private sec-
8 tor, in furtherance of the purposes of this Act;

9 (6) proposed locations for visitor contact and
10 major interpretive facilities, including proposals for
11 one interpretive facility in the upper Shenandoah
12 Valley and one in the lower Shenandoah Valley;

13 (7) provisions for implementing a continuing
14 program of interpretation and visitor education con-
15 cerning the resources and values of the battlefields
16 and historic core areas;

17 (8) provisions for a uniform valley-wide histori-
18 cal marker and wayside exhibit program, including a
19 provision for marking, with the consent of the
20 owner, historic structures and properties that are
21 contained within the historic core areas and contrib-
22 ute to the understanding of the battlefields; and

23 (9) recommendations for means of ensuring
24 continued local involvement and participation in the

1 management, protection, and development of the
2 battlefields.

3 (c) PREPARATION OF DRAFT PLAN.—(1) Not later
4 than 3 years after the date on which the Commission con-
5 ducts its first meeting, the Commission shall submit to
6 the Secretary a draft plan that meets the requirements
7 of subsection (b).

8 (2) Prior to submitting the draft plan to the Sec-
9 retary, the Commission shall ensure that—

10 (A) the Commonwealth of Virginia, and any po-
11 litical subdivision thereof that would be affected by
12 the plan, receives a copy of the draft plan;

13 (B) adequate notice of the availability of the
14 draft plan is provided through publication in appro-
15 priate local newspapers in the area of the battle-
16 fields; and

17 (C) at least one public hearing in the vicinity of
18 the battlefields in the upper Shenandoah Valley and
19 one public hearing in the vicinity of the battlefields
20 in the lower Shenandoah Valley is conducted by the
21 Commission with respect to the draft plan.

22 (d) REVIEW OF PLAN BY THE SECRETARY.—The
23 Secretary shall review the draft plan submitted under sub-
24 section (c) and, not later than 90 days after the date on
25 which the draft plan is submitted, shall either—

1 (1) approve the draft plan as the plan; or

2 (2) reject the draft plan and recommend to the
3 Commission modifications that would make the draft
4 plan acceptable.

5 **SEC. 7. COOPERATIVE AGREEMENTS.**

6 (a) IN GENERAL.—In furtherance of the purposes of
7 this Act, the Secretary may establish partnerships and
8 enter into cooperative agreements concerning lands, and
9 interests therein, within the battlefields and historic core
10 areas with other Federal, State, or local agencies, and pri-
11 vate persons and organizations.

12 (b) HISTORIC MONUMENTS.—The Secretary may
13 enter into an agreement with the owner of property that
14 is located in the battlefields, or in a historic core area,
15 and on which a historic monument or tablet commemorat-
16 ing a relevant battle has been erected prior to the date
17 of the enactment of this Act. The Secretary may make
18 funds available for the maintenance, protection, and inter-
19 pretation of the monument or tablet, as the case may be,
20 pursuant to the agreement.

21 **SEC. 8. GRANT PROGRAM.**

22 (a) IN GENERAL.—(1) The Secretary may award
23 grants and provide technical assistance, to owners of prop-
24 erty located within the battlefields and historic core areas,
25 to provide for the preservation and interpretation of the

1 natural, cultural, and historical resources within the bat-
2 tlefields and historic core areas.

3 (2)(A) The Secretary, after consultation with the
4 Commission, may award grants and provide technical as-
5 sistance to governmental entities to assist with the plan-
6 ning, development, and implementation of comprehensive
7 plans, land use guidelines, regulations, ordinances, or
8 other appropriate documents, that are consistent with and
9 designed to protect the historic character of the battle-
10 fields and historic core areas.

11 (B) The Commission shall conduct a regular review
12 of plans, guidelines, regulations, ordinances, and docu-
13 ments with respect to which the Secretary has awarded
14 a grant under this paragraph. If the Commission finds
15 that any such plan, guideline, regulation, ordinance, or
16 document, or the implementation thereof, is no longer con-
17 sistent with the protection of the historic character of the
18 battlefields and historic core areas the Commission may
19 recommend, after consultation with the affected govern-
20 mental entity, that the Secretary suspend any grant
21 awarded pursuant to this paragraph with respect to the
22 plan, guideline, regulation, ordinance, or document.

23 (C) The Secretary, after consultation with the Com-
24 mission, shall suspend any grant awarded under this para-
25 graph if the Secretary has determined that the plan,

1 guideline, regulation, ordinance, or document with respect
2 to which the grant is awarded is modified in a manner
3 that is inconsistent with the protection of the historic
4 character of the battlefields and historic core areas.

5 (b) COST SHARE.—The Federal share of any grant
6 made under this section may not exceed the amount of
7 non-Federal funds provided for the preservation, interpre-
8 tation, planning, development, or implementation with re-
9 spect to which the grant is awarded.

10 (c) ADDITIONAL CONDITIONS.—The Secretary may
11 require such additional terms and conditions before
12 awarding any grant under this section as the Secretary
13 determines to be necessary.

14 **SEC. 9. SHENANDOAH VALLEY NATIONAL BATTLEFIELDS**
15 **COMMISSION.**

16 (a) ESTABLISHMENT.—There is hereby established
17 the Shenandoah Valley National Battlefields Commission.

18 (b) MEMBERSHIP.—The Commission shall be com-
19 posed of 19 members, to be appointed by the Secretary
20 as follows:

21 (1) 5 members representing local governments
22 of communities in the vicinity of the battlefields, ap-
23 pointed after the Secretary considers recommenda-
24 tions made by appropriate local governing bodies.

1 (2) 10 members representing property owners
2 within the battlefields or historic core areas (1 mem-
3 ber within each unit of the battlefields).

4 (3) 1 member with demonstrated expertise in
5 historic preservation.

6 (4) 1 member who is a recognized historian
7 with expertise in Civil War history.

8 (5) The Governor of Virginia, or a designee of
9 the Governor, ex officio.

10 (6) The Director of the National Park Service,
11 or a designee of the Director, ex officio.

12 (c) APPOINTMENTS.—Members of the Commission
13 shall be appointed for staggered terms of 3 years, as des-
14 ignated by the Secretary at the time of the initial appoint-
15 ment. Any member of the Commission appointed for a
16 definite term may serve after the expiration of the term
17 until the successor of the member is appointed.

18 (d) ELECTION OF OFFICERS.—The Commission shall
19 elect one of its members as Chairperson and one as Vice
20 Chairperson. The terms of office of the Chairperson and
21 Vice Chairperson shall be 2 years. The Vice Chairperson
22 shall serve as Chairperson in the absence of the Chair-
23 person.

24 (e) VACANCY.—Any vacancy on the Commission shall
25 be filled in the same manner in which the original appoint-

1 ment was made, except that the Secretary shall fill any
2 vacancy within 30 days after the vacancy occurs.

3 (f) QUORUM.—A majority of the Commission shall
4 constitute a quorum.

5 (g) MEETINGS.—The Commission shall meet at the
6 call of the Chairperson or a majority of the members of
7 the Commission, but not less than quarterly. Notice of
8 Commission meetings and agendas for the meetings shall
9 be published in local newspapers that have a distribution
10 throughout the Shenandoah Valley. Commission meetings
11 shall be held at various locations throughout the Shen-
12 andoah Valley and in a manner that ensures adequate
13 public participation.

14 (h) STAFF OF THE COMMISSION.—The Commission
15 shall have the power to appoint and fix the compensation
16 of such staff as may be necessary to carry out its duties.

17 (i) ADMINISTRATIVE SUPPORT SERVICES.—The Ad-
18 ministrator of the General Services Administration shall
19 provide to the Commission, on a reimbursable basis, such
20 administrative support services as the Commission may re-
21 quest.

22 (j) FEDERAL AGENCIES.—Upon request of the Com-
23 mission, the head of any Federal agency may detail to the
24 Commission, on a reimbursable basis, personnel of the
25 agency to assist the Commission in carrying out its duties.

1 (k) SUBPOENAS.—The Commission may not issue
2 subpoenas or exercise any subpoena authority.

3 (l) EXPENSES.—Members of the Commission shall
4 serve without compensation, but the Secretary may reim-
5 burse members for expenses reasonably incurred in carry-
6 ing out the responsibilities of the Commission under this
7 Act.

8 (m) MAILS.—The Commission may use the United
9 States mails in the same manner and under the same con-
10 ditions as other departments and agencies of the United
11 States.

12 (n) GIFTS.—The Commission may, for purposes of
13 carrying out the duties of the Commission, seek, accept,
14 and dispose of gifts, bequests, or donations of money, per-
15 sonal property, or services, received from any source.

16 (o) TERMINATION.—The Commission shall terminate
17 at the expiration of the 45-day period beginning on the
18 date on which the Secretary approves the plan under sec-
19 tion 6(d).

20 **SEC. 10. DUTIES OF THE COMMISSION.**

21 (a) IN GENERAL.—The Commission shall—

22 (1) develop the plan and draft plan referred to
23 in section 6, in consultation with the Secretary;

24 (2) advise the Secretary on the administration
25 of the battlefields;

1 (3) assist the Commonwealth of Virginia, and
2 any political subdivision thereof, in the management,
3 protection, and interpretation of the natural, cul-
4 tural, and historical resources within the historic
5 core areas, except that the Commission shall in no
6 way infringe upon the authorities and policies of the
7 Commonwealth of Virginia or any political subdivi-
8 sion thereof; and

9 (4) take appropriate action to encourage protec-
10 tion of the natural, cultural, and historic resources
11 within the battlefields and historic core areas by
12 landowners, local governments, organizations, and
13 businesses.

14 (b) ASSISTANCE TO NONPROFIT ORGANIZATIONS.—
15 The Commission may assist any nonprofit organization in
16 the management, protection, and interpretation of the nat-
17 ural, cultural, and historical resources within the historic
18 core areas.

19 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) AUTHORIZATION.—There are authorized to be ap-
21 propriated such sums as may be necessary to carry out
22 this Act, except that not more than \$250,000 may be ap-
23 propriated for any fiscal year for the establishment and
24 operation of the Commission.

1 (b) AVAILABILITY OF FUNDS.—Funds made avail-
2 able under subsection (a) shall remain available until
3 expended.

